

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. 06-10036
	:	CHAPTER 13
ELOISE A. WOODSBEY, DEBTOR	:	
	:	
ELOISE A. WOODSBEY, Plaintiff	:	ADVERSARY NO. 06-1105
VS.	:	
EASY MORTGAGE D/B/A REGAL	:	
FINANCIAL, FRANK CONTI,	:	
MERITAGE MORTGAGE CORP.,	:	
HURLBURT APPRAISAL SERVICE,	:	
A&M HOMES, INC., GREGORY	:	
FINNEY, RESOURCE SETTLEMENT,	:	
DEUTSCHE BANK NATIONAL	:	
TRUST COMPANY, Defendants	:	

MEMORANDUM AND ORDER

Before us is the Motion of Defendant Deutsche Bank National Trust Company to Dismiss the First Amended Complaint and the Motion of Defendant Meritage Mortgage Corp. to Dismiss the First Amended Complaint.

In reviewing the Amended Complaint, we make the following observations and order.

Count I - Plaintiff prays for an order disallowing the claim filed by Deutsche Bank, but the allegations of the Amended Complaint relate to other parties. This count must be denied without prejudice.¹

Count II - Same as Count I.

Count III - Same as Count I.

Count IV - Same as Count I. Hurlburt Appraisal Service has, nevertheless, filed an Answer, even though there is no demand for relief against it.

Count V - Same as Count I. Frank Conti has, nevertheless, filed an Answer, even though there is no demand for relief against him.

¹It appears that Plaintiff may have misstated this prayer for relief.

Count VI - Same as Count I.

Count VII - This is a claim against Resource Settlement and has been withdrawn.

Count ? Section XII of the Complaint. Plaintiff has mixed up her numbering system for her counts. She does ask for cognizable relief in asking for disallowance of the proof of claim filed by Deutsche Bank.

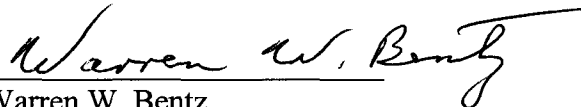
Count ? Section XIII of the Complaint. Plaintiff has mixed up her numbering system for her counts. She does ask for cognizable relief in requesting a court order disallowing the proof of claim of A&M Homes.

A&M Homes Inc. and Gregory Finney have not answered or entered an appearance.

Federal Rules of Bankruptcy Procedure, Rule 7008(a) makes applicable Rule 8 Fed.R.Civ.P., which requires that a complaint must contain, among other things, "a demand for judgment for the relief the pleader seeks." It is apparent from the above that the Amended Complaint is deficient in this respect. It would be inappropriate to attempt to address defendants' dispositive motions until the claims are clarified. It is therefore ORDERED as follows:

1. The Amended Complaint is dismissed without prejudice.
2. Plaintiff may file and serve a second amended complaint by March 14, 2007.
3. Defendants may, by March 26, 2007, file and serve defensive matter, which may be a renewal of prior memoranda or new material.

February 26th, 2007


Warren W. Bentz
United States Bankruptcy Judge

FILED

FEB 23 2007

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA
ERIE OFFICE